

AMENDMENT TO RULES COMMITTEE PRINT 117–**54****OFFERED BY MR. SMITH OF WASHINGTON**

At the end of title XVII, insert the following:

1 **SEC. 17____. UKRAINE CRITICAL MUNITIONS ACQUISITION**

2 **FUND.**

3 (a) ESTABLISHMENT.—There shall be established in
4 the Treasury of the United States a revolving fund to be
5 known as the “Ukraine Critical Munitions Acquisition
6 Fund” (in this section referred to as the “Fund”).

7 (b) PURPOSE.—Amounts in the Fund shall be made
8 available by the Secretary of Defense—

9 (1) to ensure that adequate stocks of critical
10 munitions are available for allies and partners of the
11 United States during the war in Ukraine; and

12 (2) to finance the acquisition of critical muni-
13 tions in advance of the transfer of such munitions
14 to foreign countries during the war in Ukraine.

15 (c) ADDITIONAL AUTHORITY.—The Secretary may
16 also use amounts made available to the Fund to keep on
17 continuous order munitions that the Secretary deems as
18 critical due to a reduction in current stocks or identifica-
19 tion as having a high use rate during the war in Ukraine.

1 (d) DEPOSITS.—

2 (1) IN GENERAL.—The Fund shall consist of
3 each of the following:

4 (A) Collections from sales made under let-
5 ters of offer (or transfers made under the For-
6 eign Assistance Act of 1961 (22 U.S.C. 2151 et
7 seq.)) of munitions acquired using amounts
8 made available from the Fund pursuant to this
9 section, representing the value of such items
10 calculated, as applicable, in accordance with—

11 (i) subparagraph (B) or (C) of section
12 21(a)(1) of the Arms Export Control Act
13 (22 U.S.C. 2761(a)(1);

14 (ii) section 22 of the Arms Export
15 Control Act (22 U.S.C. 2762); or

16 (iii) section 644(m) of the Foreign As-
17 sistance Act of 1961 (22 U.S.C. 2403).

18 (B) Such amounts as may be appropriated
19 pursuant to the authorization under this section
20 or otherwise made available for the purposes of
21 the Fund.

22 (C) Not more than \$500,000,000 may be
23 transferred to the Fund for any fiscal year, in
24 accordance with subsection (e), from amounts
25 authorized to be appropriated for the Depart-

1 ment in such amounts as the Secretary deter-
2 mines necessary to carry out the purposes of
3 this section, which shall remain available until
4 expended. The transfer authority provided by
5 this paragraph is in addition to any other
6 transfer authority available to the Secretary.

7 (2) CONTRIBUTIONS FROM FOREIGN GOVERN-
8 MENTS.—

9 (A) IN GENERAL.—Subject to subpara-
10 graph (B), the Secretary of Defense may accept
11 contributions of amounts to the Fund from any
12 foreign government or international organiza-
13 tion. Any amounts so accepted shall be credited
14 to the Ukraine Critical Munitions Acquisition
15 Fund and shall be available for use as author-
16 ized under subsection (b).

17 (B) LIMITATION.—The Secretary may not
18 accept a contribution under this paragraph if
19 the acceptance of the contribution would com-
20 promise, or appear to compromise, the integrity
21 of any program of the Department of Defense.

22 (C) NOTIFICATION.—If the Secretary ac-
23 cepts any contribution under this paragraph,
24 the Secretary shall notify the congressional de-
25 fense committees, the Committee on Foreign

1 Relations of the Senate, and the Committee on
2 Foreign Affairs of the House of Representa-
3 tives. Such notice shall specify the source and
4 amount of any contribution so accepted and the
5 use of any amount so accepted.

6 (e) NOTIFICATION.—

7 (1) IN GENERAL.—No amount may be trans-
8 ferred pursuant to subsection (d)(1)(C) until the
9 date that is 15 days after the date on which the Sec-
10 retary notifies the congressional defense committees
11 in writing of the amount and purpose of the pro-
12 posed transfer.

13 (2) AMMUNITION PURCHASES.—No amounts in
14 the Fund may be used to purchase ammunition, as
15 authorized by this Act, until the date that is 15 days
16 after the date on which the Secretary notifies the
17 congressional defense committees in writing of the
18 amount and purpose of the proposed purchase.

19 (3) FOREIGN TRANSFERS.—No munition pur-
20 chased using amounts in the Fund may be trans-
21 ferred to a foreign country until the date that is 15
22 days after the date on which the Secretary notifies
23 the congressional defense committees in writing of
24 the proposed transfer.

1 (f) LIMITATION.—No munition acquired by the Sec-
2 retary of Defense using amounts made available from the
3 Fund pursuant to this section may be transferred to any
4 foreign country unless such transfer is authorized by the
5 Arms Export Control Act (22 U.S.C. 2751 et seq.), the
6 Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.),
7 or other applicable law, except as follows:

8 (1) The Secretary of Defense may authorize the
9 use by the Department of Defense of munitions ac-
10 quired under this section prior to transfer to a for-
11 eign country, if such use is necessary to meet na-
12 tional defense requirements and the Department
13 bear the costs of replacement and transport, mainte-
14 nance, storage, and other such associated costs of
15 such munitions.

16 (2) Except as required by paragraph (1),
17 amounts made available to the Fund may be used to
18 pay for storage, maintenance, and other costs re-
19 lated to the storage, preservation and preparation
20 for transfer of munitions acquired under this section
21 prior to their transfer, and the administrative costs
22 of the Department of Defense incurred in the acqui-
23 sition of such items, to the extent such costs are not
24 eligible for reimbursement pursuant to section 43(b)

1 of the Arms Export Control Act (22 U.S.C.
2 2792(b)).

3 (g) TERMINATION.—The authority for the Fund
4 under this section shall expire on December 31, 2024.

